

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBKZZ INVESTMENT LLC d/b/a CASA ROSA
HOTEL,

Plaintiffs,

-against-

RENAISSANCE RE SYNDICATE 1458 LLOYDS
and MT. HAWLEY INSURANCE COMPANY,

Defendants.

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1:22-cv-10672 (MKV)

ORDER

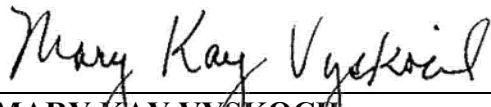
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff brought this insurance coverage action seeking money damages and other relief in connection with damage to the roof on a property it owns. [ECF No. 1]. The case revolves around two issues: (i) the amount of the loss and (ii) whether the loss falls within the scope of the relevant insurance policy. [ECF No. 32]. To resolve the first issue, Plaintiff, the insured, has moved to compel an appraisal. [ECF No. 35].

This motion is premature. While Plaintiff argues that the insured has a right under the policy to demand appraisal, “it is not always appropriate for such appraisal to occur before other issues are resolved.” *Duane Reade, Inc. v. St. Paul Fire & Marine Ins. Co.*, 261 F. Supp. 2d 293, 296 (S.D.N.Y. 2003) (Rakoff, J.). Indeed, “the more efficient practice for the parties, the appraisers, and the Court is to decide any coverage disputes before an appraisal is conducted.” *Coral Crystal, LLC v. Fed. Ins. Co.*, No. 17-cv-1007, 2020 WL 5350306, at *13 (S.D.N.Y. Sept. 3, 2020). Because the dispute over the existence of coverage in this case has not yet been resolved, the motion to compel an appraisal with respect to the amount of loss is premature and is denied without prejudice to renewal.

SO ORDERED.

Date: June 6, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge